



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED

FEB 22 2005

OFFICE OF PETITIONS

In re Application of :
Lindholm et al. :
Application No. 10/759,244 : ON PETITION
Deposited: January 20, 2004 :
Attorney Docket No.: 032469-007 :
Title of Invention: OSTEOGENIC :
DEVICE AND A METHOD FOR PREPARING :
THE DEVICE

This is a decision on the Petition for Filing Date filed October 29, 2004, requesting that the above-identified application be accorded the filing date of January 20, 2004.

Application papers in the above-identified application were deposited on January 20, 2004. However, on September 14, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.¹

In response, 52 pages of specification and three pages of claims and the present petition were filed on October 29, 2004. The petition contends that the application as filed included 52 sheets of specification and three pages of claims. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "Specification (1-52) and Claims (claims 1-15, 3pgs)" on January 29, 2004.

Applicant's postcard receipt is prima facie² evidence that the

¹See 35 U.S.C. 111(a)(4)

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

specification and claims were received on January 20, 2004. The specification and claims have been located in the application files.

The petition is Granted. No petition fee has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 20, 2004, using the 52 sheets of specification and three sheets of claims supplied on January 20, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions